

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

v.

**(1) JOHN JERRELL-
RODRIGUEZ,**
Defendant

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No. 1:24-CR-00091-RP

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, namely, unlawful possession of a firearm;
- the weight of the evidence against the person, particularly, evidence of Defendant's possession of a firearm on his person during an encounter with law enforcement, along with evidence of Defendant's felony criminal history and evidence of an interstate nexus for the firearm Defendant possessed;

- the history and characteristics of the person, including Defendant's lack of legitimate employment, unstable housing situation, lack of community ties to serve as support for him if released, his history of numerous arrests for violent assaultive conduct, his history of failing to abide by conditions set by courts, and his history of evading arrest; and
- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, including the assaultive conduct referenced above, his numerous gun-related offenses, and his history of engaging in violent conduct and drug dealing while on release or shortly after being released from custody.

This record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED June 13, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE